

CANONICAL LEGISLATION
CONCERNING
RELIGIOUS

BX
2427
.C295
c.2
GTU

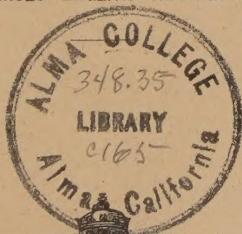
GTU Storage

CANONICAL LEGISLATION

CONCERNING

RELIGIOUS

AUTHORISED ENGLISH TRANSLATION



35216

VATICAN PRINTING
OFFICE

3X
2427
3295
c. 2

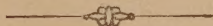
REPRODUCTION FORBIDDEN
WITHOUT THE SPECIAL AUTHORISATION OF THE HOLY SEE

ALL RIGHTS RESERVED

FOREWORD

The present translation is intended for those Religious of both sexes who cannot easily utilize the official Latin text of the Code of Canon Law. With the exception of certain canons, which exclusively concern clerical Institutes, it comprises practically the whole of the Second Part of the Second Book which treats of Religious, together with an appendix containing other canons drawn from other parts of the Code, and likewise referring to Religious.

Although this translation has been specially authorised by the Holy See, it has not the official character of the Latin text.



CANONICAL LEGISLATION

CONCERNING

RELIGIOUS

THE CODE OF CANON LAW

BOOK II

PERSONS.

SECOND PART

RELIGIOUS

CANON 487.

The religious state, that is, the firmly established manner of living in community, by which the faithful undertake to observe, not only the ordinary precepts, but also the evangelical counsels, by means of the vows of obedience, chastity and poverty, must be held in honour by all.

CANON 488.

In the following canons, we mean by:

1° *Institute (Religio)*, every society, approved by legitimate ecclesiastical authority, the members of which tend to evangelical perfection, according to the laws proper to their society, by the profession of public vows, whether perpetual or temporary, the latter renewable after the lapse of a fixed time;

2° *Order*, every Institute whose members make profession of solemn vows; *Monastic Congregation*, the union of several independent (*sui iuris*) monasteries under one and the same Superior; *Exempt Institute*, an Institute, with either solemn or simple vows, not subject to the jurisdiction of the local Ordinary; *Religious Congrega-*

tion or simply *Congregation*, an Institute whose members make profession of simple vows only, whether perpetual or temporary;

3° *Institute approved by the Holy See* (*Religio iuris pontificii*), every Institute which has obtained from the Apostolic See either approbation or at least the decree of commendation (*decretum laudis*); *Diocesan Institute*, an Institute erected by Ordinaries, which has not yet obtained this decree of commendation;

4° *Clerical Institute*, every Institute the majority of whose members receive the order of priesthood; otherwise it is a *Lay Institute*;

5° *Religious house*, every house of any Institute whatever; *regular house*, every house of an Order; *formal house*, every house in which dwell at least six professed religious, four at least of whom must be priests if it is a house of a clerical Institute;

6° *Province*, the union of several religious houses under one and the same Superior, and constituting part of the same Institute;

7° *Religious*, all those who have made profession of vows in any Institute; *Religious with simple vows*, those who have made profession of vows in a religious Congregation; *Regulars*, those who have made profession of vows in an Order; *Sisters*, religious women with simple vows; *Nuns*, religious women with solemn vows or, unless it appears otherwise from the nature of the case or from the context, religious women whose vows are normally solemn, but which, by a disposition of the Holy See, are simple in certain regions;

8° *Higher Superiors*, the Abbot Primate, the Abbot Superior of a monastic Congregation, the Abbot of an independent monastery even though it form part of a monastic Congregation, the Superior-General of the whole Institute, the Provincial Superior, their Vicars and all others who have powers equivalent to those of Provincials.

CANON 489.

The rules and particular constitutions of each Institute, not contrary to the canons of this Code, retain their force; while those contrary to these canons are abrogated.

CANON 490.

The dispositions concerning religious, even when expressed in the masculine gender, apply equally to religious women, except it appears otherwise from the context or from the nature of the case.

CANON 491.

§ 1. Religious take precedence over the laity; clerical Institutes over lay Institutes; Canons Regular over monks; monks over other regulars; regulars over religious Congregations; Congregations approved by the Holy See over diocesan Congregations; for those in the same species, the disposition of canon 106, n. 5, is to be observed.

§ 2. But the secular clergy precede the laity and the religious outside their own churches and, in the case of a lay Institute, even in their own churches; the cathedral or collegiate Chapter, however, precedes them everywhere.

TITLE IX.

**The erection and suppression of an Institute,
of a Province, of a House.**

CANON 492.

§ 1. Bishops, but not the Vicar Capitular or the Vicar General, can establish religious Congregations; but they must not establish them or permit them to be established without consulting the Apostolic See; when it is a question of tertiaries living in community, it is required, besides, that they be affiliated to his Institute by the Superior-General of the first Order.

§ 2. A diocesan Congregation, although it extend in the course of time into several dioceses, remains, nevertheless, diocesan as long as it is without pontifical approval or the decree of commendation, and is entirely subject to the jurisdiction of the Ordinaries according to law.

§ 3. Neither the name nor the habit of any Institute already established can be assumed by those who do not legitimately belong to it, or by a new Institute.

CANON 493.

Every Institute, even if only diocesan, once legitimately established, even if it possesses only one house, cannot be suppressed except by the Holy See, to which is reserved in this case the disposition of the property, always, however, without prejudice to the wishes of the donors of the property.

CANON 494.

§ 1. It pertains exclusively to the Apostolic See: to divide into provinces an Institute approved by the Holy See, to unite existing provinces or otherwise modify their boundaries, to establish new provinces or to suppress existing ones, to separate independent monasteries from one monastic Congregation and to unite them to another.

§ 2. When a province becomes extinct, the right of disposing of its property, while safeguarding the laws of justice and the wishes of the founders, belongs, unless the constitutions ordain otherwise, to the General Chapter or, outside the time of the Chapter, to the Superior-General with his Council.

CANON 495.

§ 1. A diocesan religious Congregation cannot establish houses in another diocese without the consent of both Ordinaries, namely: the Ordinary of the place where the mother-house is situated, and the Ordinary of the place where it is desired to make the new foundation; but the Ordinary of the place of departure shall not without a grave reason refuse his consent.

§ 2. When such a Congregation establishes houses in other dioceses, no change may be made in its laws without the consent of all the Ordinaries in whose dioceses its houses exist, safeguarding those matters which, according to the terms of canon 492, § 1, should be subjected to the Apostolic See.

CANON 496.

No religious house may be erected unless it can be prudently estimated that it will be able to provide suitably for the habitation and maintenance of its members from its own resources, or from habitual alms, or otherwise.

CANON 497.

§ 1. For the erection of an exempt religious house, whether formal or not, or a monastery of nuns, or, in places subject to the Sacred Congregation of Propaganda, any religious house whatever, the approval of the Apostolic See and the written consent of the local Ordinary are necessary; in other cases, the permission of the Ordinary suffices.

§ 2. The granting of permission to establish a new house implies, for clerical Institutes, the authorisation for a church or public oratory annexed to the house, without prejudice to the terms of canon 1162, § 4, also for the celebration of the sacred functions, in conformity to the requirements of the law: for all Institutes, this permission implies the authorisation for all works of piety proper to each Institute, without prejudice to the conditions in the said permission.

§ 3. To build and open a school, a hospice, or any other such edifice separated from the house, even exempt, the special written permission of the Ordinary is necessary and sufficient.

§ 4. To convert to other uses a house already established, the same solemnities as in § 1 are required, except the alteration be of such a nature that, without

prejudice to the laws of the foundation, it affect only the internal regime and religious discipline.

CANON 498.

No religious house, whether formal or not, belonging to an exempt Institute, can be suppressed without Apostolic authority; a house belonging to a non-exempt Congregation approved or commended by the Holy See, can be suppressed by the Superior-General, with the consent of the local Ordinary; if it belongs to a diocesan Congregation, it can be suppressed by the mere authority of the local Ordinary, after consultation with the Superior of the Congregation, subject to the prescription of canon 493, if it be question of an only house, and saving the right of recourse, with suspensive effect, to the Apostolic See.

TITLE X.

The government of Institutes.

CHAPTER I.

Superiors and Chapters.

CANON 499.

§ 1. All religious are subject to the Roman Pontiff as to their highest Superior, and they are bound to obey him even by virtue of their vow of obedience.

§ 2. The Cardinal Protector of any Institute whatever, except it be otherwise expressly provided in particular cases, possesses no jurisdiction over the Institute or over any of its membres, nor may he interfere in the internal discipline or in the temporal administration; his only concern is to promote the good of the Institute by his counsel and his patronage.

CANON 500.

§ 1. Religious are also subject to the local Ordinary, except those who have obtained from the Apostolic See

the privilege of exemption, without prejudice to the power which the law accords, even over these latter, to local Ordinaries.

§ 2. Nuns who are placed by their constitutions under the jurisdiction of Regular Superiors are subject to the local Ordinary only in the cases provided for by the law.

§ 3. No male Institute can, without a special Apostolic indult, have religious Congregations of women subject to it. or retain, as specially confided to it, the care and direction of such religious.

CANON 501.

§ 1. The Superiors and Chapters, conformably to the constitutions and to the universal law, have governing power (*potestas dominativa*) over their subjects, and in every exempt clerical Institute, they have ecclesiastical jurisdiction both in *foro interno* and in *foro externo*.

§ 2. It is strictly forbidden to all Superiors to interfere in causes pertaining to the Holy Office.

CANON 502.

The Superior-General has authority over all the provinces, and houses, and membres of the Institute, but he must exercise it as prescribed by the constitutions; the other Superiors have authority within the limits of their charge.

CANON 503.

CANON 504.

Without prejudice to the constitutions proper to each Institute which require a maturer age and other important qualities, those are unfit for the office of higher Superior who have not spent at least ten years in the Institute to be reckoned from the date of their first profession, those who have not been born of legitimate marriage, and, in the case of the Superior-General of an Institute or the Superioress of a monastery of nuns, those who have not

completed their fortieth year; their thirtieth year in the case of other higher Superiors.

CANON 505.

The higher Superiors shall be temporary, unless the constitutions determine otherwise; but the lower local Superiors are not to hold office for more than three years; on the expiration of this term they can be reappointed to the same office if the constitutions permit it, but not immediately for a third term in the same religious house.

CANON 506.

§ 1. Before proceeding to the election of the higher Superiors in the Institutes of men, all and each of the members of the Chapter shall promise on oath to elect those whom they deem before God should be elected.

§ 2. In the monasteries of nuns, the assemblies for the election of Superioress shall be presided over, without however entering the enclosure (*clausura*), by the local Ordinary or his delegate, with two priests as scrutators, if the nuns are subject to the Ordinary; if not, by the Regular Superior; but even in this case the Ordinary should be duly informed of the day and hour of the election, at which he may assist, either in person or by a delegate, with the Regular Superior, and, if he assists, he presides.

§ 3. The ordinary confessors of these nuns must not be selected as scrutators.

§ 4. In the Congregations of women, the election for the Mother-General shall be presided over by the Ordinary of the place where the election is held, or by his delegate; and, in the case of a diocesan Congregation, the Ordinary has full power to confirm or cassate the result of the election as his conscience dictates.

CANON 507.

§ 1. In elections which are made by Chapters, the universal law as set forth in canons 160-182 shall be

observed, as well as the constitutions of the Institute which are not contrary to this universal law.

§ 2. All must abstain from seeking votes either directly or indirectly for themselves or for others.

§ 3. Postulation can be admitted only in an extraordinary case, and provided that the constitutions do not forbid it.

CANON 508.

The Superiors shall live each in his own house, and they are not to absent themselves from it except in accordance with the terms of the constitutions.

CANON 509.

§ 1. Every Superior should promote among his subjects the knowledge and the execution of the decrees of the Holy See which concern religious.

§ 2. The local Superiors shall take care:

1° To have read publicly, at least once a year, on fixed days, the constitutions of the Institute, as well as the decrees ordered by the Holy See to be read publicly;

2° To have given at least twice in the month, without prejudice to the prescription of canon 565, § 2, an instruction on christian doctrine, adapted to the capacity of the hearers, to the lay brothers and domestic servants, and, especially in the lay Institutes, a pious exhortation to all the members of the house.

CANON 510.

The Abbot Primate, the Superior of every monastic Congregation and the Superior-General of every Institute approved by the Holy See must, every five years or oftener, if the constitutions prescribe it, send to the Holy See a written account of the state of the Institute, signed by themselves and by the members of their Council and, in the case of Congregations of women, also by the Ordinary of the place in which the Mother-General with her Council resides.

CANON 511.

In every Institute, the higher Superiors designated to this office by the constitutions shall visit, either in person or by others, if they themselves are legitimately impeded from doing so, and at the times appointed by the constitutions, all the houses subject to their jurisdiction.

CANON 512.

§ 1. The local Ordinary must visit every five years, either in person or by delegate:

1° All the monasteries of nuns immediately subject to himself or to the Apostolic See;

2° All the houses whether of men or women of diocesan Congregations.

§ 2. He must also visit within the same period:

1° The monasteries of nuns, who are subject to Regulars, concerning those matters which pertain to the law of enclosure; nay more, even in all other matters, if the Regular-Superior has not visited them within the past five years;

2° All the houses of clerical Congregations approved by the Holy See, even those exempt, concerning those matters which pertain to the church, the sacristy, the public oratory, the confessionals;

3° All the houses of lay Congregations approved by the Holy See, not only in those matters indicated in the preceding number, but also in those pertaining to the internal discipline in accordance, however, with the terms of canon 618, § 2, n. 2.

§ 3. As to what pertains to the temporal administration, the prescriptions of canons 532-535 shall be observed.

CANON 513.

§ 1. The Visitator has the right and the obligation of interrogating the religious whom he deems it well to hear and of informing himself on those matters that pertain

to the visitation; all the religious, however, are under the obligation of replying according to the truth, and it is not lawful for Superiors to divert them in any way from this obligation, or otherwise impede the scope of the visitation.

§ 2. ^{Response} Appeal against the decisions of the Visitor is admitted only with devolutive effect, unless the Visitor has proceeded in judiciary form.

CANON 514.

§ 1. In every clerical Institute, the Superiors have the right and the duty to administer, either personally or by delegate, the Holy Viaticum and Extreme Unction, in case of sickness, to the professed members, to the novices, and to other persons dwelling day and night in the religious house by reason of service, education, hospitality or health.

§ 2. In the houses of nuns, the ordinary confessor or his substitute has this same right and duty.

§ 3. In other lay Institutes, this right and duty belongs to the local parish priest or to the chaplain designated by the Ordinary to replace the parish priest according to the terms of canon 464, § 2.

§ 4. For funerals, the prescriptions of canons 1221 and 1230, § 5, are to be observed.

CANON 515.

Merely honorary titles of dignity or of office are forbidden; the titles of the higher offices, which the religious in their own Institute have actually discharged, are alone tolerated if the constitutions permit it.

CANON 516.

§ 1. The Superior-General of every Institute or monastic Congregation, also every Provincial Superior and local Superior at least of every formal house, shall have their Councillors whose consent or counsel they must seek according to the terms of the constitutions and the sacred canons.

cf. can. 104

§ 2. There shall be also bursars (*oeconomi*) for the administration of the property: a general bursar for the administration of the property of the whole Institute, a provincial bursar for that of the province, a local bursar for that of each house; all of whom are to exercise their office under the direction of their respective Superiors.

§ 3. A Superior may not himself discharge the office of general bursar or provincial bursar; he may, however, discharge the office of local bursar if necessity requires it, though it would be better to keep this office distinct from that of Superior.

§ 4. If the constitutions are silent on the manner of electing the bursars, they shall be selected by the higher Superior with the consent of his Council.

CANON 517.

§ 1. Every male Institute approved by the Holy See shall have its Procurator-General, chosen according to the prescriptions of the constitutions, to treat with the Holy See on the affairs of his own Institute.

§ 2. He must not be removed from office before the expiration of the time prescribed by the constitutions without consulting the Apostolic See.

CHAPTER II.

Confessors and Chaplains.

CANON 518.

§ 1. In the houses of every clerical Institute there shall be deputed, in proportion to the number of subjects several legitimately approved confessors with power, if it be question of an exempt Institute, to absolve also from the cases reserved in the Institute.

§ 2. Religious Superiors, having faculties to hear confessions, can, in conformity to the law, hear the confessions of their subjects who spontaneously and freely ap

proach them for that purpose, but they may not without grave reason hear them habitually.

§ 3. Superiors must take care not to induce, personally, or through others, by force, by fear, or by importunate persuasion, or by any other means, any of their subjects to confess his sins to them.

CANON 519.

Without prejudice to the constitutions which prescribe confession to be made at stated times or counsel that it be made to designated confessors, if any religious, even the exempt, have recourse, for the peace of his conscience, to any confessor approved by the local Ordinary, even though not one of the number of the designated confessors, that confession, every contrary privilege being revoked, is valid and lawful, and the confessor may absolve the religious even from sins and censures reserved in the Institute.

CANON 520.

§ 1. To every house of religious women must be given only one ordinary confessor who shall hear the sacramental confessions of the whole community, unless, on account of the great number of religious or for any other just reason, two or more may be found necessary.

§ 2. If any particular religious, for the peace of her soul and for her greater progress in the spiritual life, request a special confessor or spiritual director, the Ordinary shall grant the request without difficulty, watchful, however, lest from this concession abuses arise; and if they do arise he shall eliminate them carefully and prudently, while safeguarding the liberty of conscience.

CANON 521.

§ 1. To every community of religious women shall be given an extraordinary confessor who, four times at least in the year, shall go to the religious house, and to whom all the religious should present themselves, at least to receive his blessing.

§ 2. The Ordinaries of the places where religious communities of women exist shall designate for each house some priests to whom, in particular cases, the religious may easily have recourse for the sacrament of penance, without having to apply to the Ordinary on each occasion.

§ 3. When any religious asks for one of these confessors, no Superioress, either personally or through others, either directly or indirectly, may seek to know the reason for the petition, or shew opposition to it by word or deed or in any way manifest displeasure at it.

CANON 522.

If, notwithstanding the prescriptions of canons 520 and 521, any religious, for the peace of her conscience, have recourse to a confessor approved by the local Ordinary to hear the confessions of women, this confession, whether made in a church or oratory, even a semi-public oratory, is valid and lawful, every contrary privilege being revoked; nor may the Superioress prohibit it or make any enquiry concerning it, even indirectly; and the religious are under no obligation to inform the Superioress on the matter.

CANON 523.

All religious women when seriously ill, even if not in danger of death, may, as often as they wish during their serious illness, invite any priest whatever to hear their confession, provided that he be approved to hear the confessions of women, though not designated for religious women, nor can the Superioress either directly or indirectly prevent them from doing so.

CANON 524.

§ 1. For the office of confessor, whether ordinary or extraordinary, of religious women, there shall be chosen either from the secular clergy, or from the regular clergy with the consent of their Superiors, priests who are known to be of blameless life and prudent; and who are at least

forty years of age, except, in the judgment of the Ordinary, a just cause determine otherwise; these confessors have no authority in *foro externo* over the religious in question.

§ 2. The ordinary confessor cannot be appointed extraordinary for the same community, nor may he, except in the cases set forth in canon 526, be appointed ordinary to the same community for a second term, until after the lapse of one year from the expiration of his first term; but the extraordinary confessor may be appointed ordinary immediately on the expiration of his term of office.

§ 3. The confessors, whether ordinary or extraordinary, of religious women are not, in any manner, to interfere either in the internal or external government of the community.

CANON 525.

For all houses of religious women immediately subject to the Apostolic See or to the local Ordinary, the latter selects both ordinary and extraordinary confessor; for those subject to a Regular-Superior, this Superior presents the confessors to the Ordinary who will grant them the approval to hear the confessions of the nuns; the Ordinary also shall supply, if necessary, for the negligence of the Regular Superior.

CANON 526.

The ordinary confessor of religious women may not exercise that office for a term exceeding three years; the Bishop, however, can appoint him for a second term, and even for a third, if dearth of priests suitable for the office does not permit him to provide otherwise; or if the majority of the religious, including even those who in other matters have no right to vote, petition by secret voting for the reappointment of the same confessor; for those who dissent it must, however, if they so desire, be otherwise provided.

CANON 527.

According to the terms of canon 880, the local Ordinary can, for a serious cause, remove both the ordinary and extraordinary confessor of religious women, even when the monastery is subject to Regulars and the confessor himself a Regular, nor is the Ordinary bound to make known the reason for the removal to anyone except to the Holy See, if it should require the reason from him; he must, however, if the nuns are subject to Regulars, inform the Regular Superior of the removal.

CANON 528.

For lay Institutes of men, ordinary and extraordinary confessors shall also be appointed, conformably to canon 874, § 1 and canon 875, § 2; and should any of the religious petition for a special confessor, the Superior shall grant the petition, and in no way seek the reason for or manifest displeasure at it.

CANON 529.

In the case of non-exempt lay Institutes, the local Ordinary appoints the chaplain and approves the preacher; if the Institute be exempt, the Regular Superior appoints them, and if he neglects to do so, the Ordinary will provide.

CANON 530.

§ 1. All religious Superiors are strictly forbidden to induce their subjects, in any way whatever, to make a manifestation of conscience to them.

§ 2. Subjects, however, are not forbidden to open their minds freely and spontaneously to their Superiors; nay more, it is desirable that they approach their Superiors with filial confidence, and, if the Superiors be priests, expose to them their doubts and troubles of conscience also.

CHAPTER III.

Temporal goods and their administration.

CANON 531.

Not only every Institute, but every province, and every house is capable of acquiring and possessing property with fixed or founded revenues, unless the capacity to do so be excluded or restricted by its rules and constitutions.

CANON 532.

§ 1. The property of the Institute, of the province and of the house is to be administered conformably to the constitutions.

§ 2. Besides Superiors, those officials also who are so empowered by the constitutions can, within the limits of their office, validly incur expenses and perform the juridical acts of ordinary administration.

CANON 533.

§ 1. In the investment of money, the disposition of canon 532, § 1, shall be observed; but the previous consent of the local Ordinary must be obtained by:

1° The Superioress of nuns and of diocesan Institutes for whatsoever investment of money; nay more, if the monastery of nuns be subject to a Regular Superior, his consent also is necessary;

2° The Superioress of every Congregation approved by the Holy See, if the money to be invested constitutes the dowry of professed religious, according to the terms of canon 549;

3° The Superior or the Superioress of every house of a religious Congregation, in the case of funds which have been donated or bequeathed to the house for expenditure locally on divine worship or on works of charity;

4° Every religious, even a member of a Regular Order, if the money has been given to the parish or the

mission, or to religious for the benefit of the parish or mission.

§ 2. These regulations must also be observed for every change of investment.

CANON 534.

§ 1. Without prejudice to the dispositions of canon 1531, for the alienation of precious objects or other property the value of which exceeds the sum of thirty thousand francs (normally, about one thousand two hundred pounds sterling, or six thousand dollars), or to contract debts or obligations above this sum, the apostolic authorisation for the transaction must be previously obtained, otherwise the contract shall be null and void; in other cases the written permission of the Superior, given according to the terms of the constitutions and with the consent of his Chapter or Council, manifested by secret voting, is requisite and sufficient; but in the case of nuns or Sisters with diocesan approval, the written consent of the local Ordinary also is necessary, as well as the consent of the Regular Superior, if the monastery of nuns be subject to Regulars.

§ 2. In the petition for permission to contract debts or obligations, the other debts or obligations with which the corporate entity, the Institute, the province, or house is, up to that day, burdened, must be expressed; otherwise the permission obtained is invalid.

CANON 535.

§ 1. For every monastery of nuns, even exempt:

1° The Superioress must furnish an account of her administration, to be exacted gratuitously, once a year, or even oftener if the constitutions so prescribe it, to the local Ordinary, as well as to the Regular Superior, if the monastery be subject to Regulars;

2° If the Ordinary does not approve of the account of the administration furnished him, he can apply the necessary remedies, including even the removal from office, if the circumstances demand it, of the bursar and the

other administrators; but if the monastery be subject to a Regular Superior, the Ordinary shall request him to see to it; and if the Regular Superior fail to do so, then the Ordinary himself must deal with the case.

§ 2. In the other Institutes of women, the account of the administration of the property constituted by the dowries shall be furnished to the local Ordinary on the occasion of the visitation, and even oftener if the Ordinary considers it necessary.

§ 3. The local Ordinary has also the right of enquiring into:

1° The economic state of every religious house with diocesan approval;

2° The administration of the funds and bequests referred to in canon 533, § 1, nn. 3, 4.

CANON 536.

§ 1. If a corporate entity (whether an Institute, a province, or a house) contracts debts and obligations even with the permission of Superiors, it is personally responsible for them.

§ 2. When a Regular, with the permission of Superiors, contracts debts and obligations, the corporate entity, whose Superior has given the permission, bears the responsibility; if it is a religious with simple vows, he himself is responsible, except he acted, with the permission of the Superior, on behalf of the Institute.

§ 3. If a religious contracts debts and obligations without any permission of Superiors, he himself is responsible, but not the Institute, the province or the house.

§ 4. In every case, it is a rule that an action can always be brought against him for whom the contract has been a source of profit.

§ 5. Superiors must beware not to allow the contracting of debts unless it be certain that the interest on them may be met from current revenue, and that within a reasonable time the capital may be paid off by means of a lawful sinking-fund.

CANON 537.

It is not lawful to make presents out of the goods of a house, province or Institute, unless by way of almsgiving or for other just reasons, and with the consent of the Superior and in conformity with the constitutions.

TITLE XI.

Admission into religion.

CANON 538.

Every catholic who is not debarred by any legitimate impediment, and is inspired by a right intention, and is fit to bear the burdens of the religious life can be admitted into religion.

CHAPTER I.

The Postulancy.

CANON 539.

§ 1. In the Institutes with perpetual vows all the women and, in the Institutes of men, the lay brothers must, before being admitted to the novitiate, make a postulancy of at least six whole months; but in the Institutes with temporary vows, the prescriptions of the constitutions regarding the necessity and duration of the postulancy are to be followed.

§ 2. The higher Superior can prolong the time prescribed for the postulancy, but not beyond another term of six months.

CANON 540.

§ 1. The postulancy must be made either in the novitiate house or in another house of the Institute where the discipline prescribed by the constitutions is faithfully observed under the special care of an experienced religious.

§ 2. The postulants are to wear a becoming dress, different however from that of the novices.

§ 3. In the monasteries of nuns, the aspirants, during their postulancy, are bound by the law of enclosure.

CANON 541.

The postulants, before beginning their novitiate, must make a spiritual retreat of at least eight whole days; and, according to the discretion of the confessor, a general confession of their past life.

CHAPTER II.

The Novitiate.

ART. I. - *The conditions required for admission to the novitiate.*

CANON 542.

Without prejudice to the prescriptions of canons 539-541, and to others contained in the constitutions proper to each Institute,

1° The following are invalidly admitted to the novitiate:

Those who have adhered to a non-catholic sect;

Those who have not attained the age requisite for the novitiate;

Those who enter religion under the influence of violence, grave fear, or fraud; also those whom the Superior receives under pressure of the same influences;

Married persons as long as the marriage bonds last;

Those who are or have been bound by the bonds of religious profession;

Those who are menaced with punishment for the commission of a grave crime of which they have been or can be accused;

Every Bishop, whether residential or titular, even though only nominated by the Roman Pontiff;

Clerics who, by a disposition of the Holy See, are bound by oath to consecrate themselves to the service of

their diocese or the missions, for the period during which their oath binds them.

2° The following are illicitly, but validly admitted:

Clerics in sacred orders, without the consent of the local Ordinary or against his will if his objection is based on the serious loss to souls that their withdrawal would import, when that loss cannot by any means be otherwise avoided;

Those who are burdened with debts which they are unable to discharge;

Those who are liable to furnish accounts or are implicated in other secular negotiations from which the Institute may have reason to fear lawsuits and annoyances;

Persons whose parents, that is father or mother, grand-father or grand-mother, are in great necessity, and need their assistance, and parents whose help is necessary for the maintenance and education of their children;

Those who in religion would be destined for the priesthood, from which, however, they are debarred by an irregularity or other canonical impediment;

Oriental in Institutes of the Latin rite without the written permission of the Sacred Congregation for the Eastern Church.

CANON 543.

The right of admitting to the novitiate and to the subsequent religious profession, whether temporary or perpetual, belongs to the higher Superiors with the vote of the Council or Chapter, according to the requirements of the constitutions of each particular Institute.

CANON 544.

§ 1. In every Institute, all the aspirants, before being admitted, must present a certificate of their baptism and confirmation.

§ 2. The male aspirants must, besides, furnish testimonial letters from the Ordinary of the place of birth,

and from the Ordinary of whatever other place in which, after completing their fourteenth year, they have lived for more than a year, morally continuous, notwithstanding any privilege to the contrary.

§ 3. When there is question of admitting aspirants who have been in a Seminary, a college, or in a postulancy or novitiate of another Institute, testimonial letters, given, according to the circumstances, by the Rector of the Seminary or college, after consulting the local Ordinary, or by the higher Superior of the Institute, are also necessary.

§ 4. For the admission of clerics, it suffices, besides the certificate of ordination, to have testimonial letters from the Ordinaries of the dioceses in which the clerics have lived for more than one year morally continuously after ordination, without prejudice to the prescription of § 3.

§ 5. For a professed religious passing, by virtue of an apostolic indult, to another Institute, the testimony of the higher Superior of the Institute which he leaves suffices.

§ 6. Besides these testimonies required by law, the Superiors, who have the right of admitting the aspirants to the Institute, can exact others also, if it seems to them necessary or opportune.

§ 7. Finally, women are not to be received until careful investigation has been made regarding their character and conduct, safeguarding the prescriptions of § 3.

CANON 545.

§ 1. Those who must, according to the law, give testimonial letters, may not consign them to the aspirants, but to the religious Superiors, and this gratuitously within three months from the date of request, closed and sealed; and if the aspirants are persons who have been in a Seminary, a college, or in a postulancy or novitiate of another Institute, the testimonial letters must be signed under oath by the Superior.

§ 2. If, for grave reasons, those who are to give testimonial letters feel that they cannot comply with the request for them, they must make known these reasons to the Holy See within the same space of time.

§ 3. If they reply that the aspirant is not sufficiently known to them, the religious Superior shall supply by making careful enquiries of sources worthy of credence; but if they give no reply, the Superior who made the request must inform the Holy See that he has received no response thereto.

§ 4. In their testimonial letters, the Ordinaries and Superiors, after having made diligent investigation, even by secret enquiries, must give information, the accuracy of which they are under a grave obligation in conscience to control, on the birth, the conduct, the character, the life, the reputation, the condition and the learning of the aspirant; whether he be suspect, or under any censure, irregularity or any other canonical impediment, whether his family has need of his help and, finally, when there is question of persons who have been in a Seminary, a college, or in a postulancy or novitiate of another Institute, the reasons for their dismissal or spontaneous departure.

CANON 546.

All those who receive the foregoing information are strictly obliged to keep secret not only the information itself but also the names of the persons that supplied it.

CANON 547.

§ 1. In the monasteries of nuns, the postulant shall provide the dowry fixed by the constitutions or determined by lawful custom.

§ 2. This dowry must be given to the monastery before the reception to the habit, or at least its payment guaranteed in a manner recognised by the civil law.

§ 3. In the Institutes with simple vows, the prescriptions of the constitutions must be followed with regard to the dowry of the religious women.

§ 4. The prescribed dowry, in the case of Institutes approved by the Holy See, cannot be condoned either entirely or partially without an indult of the Holy See; in the case of diocesan Institutes, without the consent of the local Ordinary.

CANON 548.

The dowry is irrevocably acquired by the monastery or the Institute on the death of the religious, even though she had made profession of only temporary vows.

CANON 549.

After the first profession of the religious, the Superior with her Council, and with the consent of the local Ordinary and of the Regular Superior, if the house be dependent on Regulars, must place the dowry in a safe, lawful and productive investment; but it is strictly forbidden that, before the death of the religious, the dowry be expended for any purpose, even for the building of a house or the liquidation of debts.

CANON 550.

§ 1. The dowries must be carefully and integrally administered at the monastery or house of habitual residence of the Mother-General or Mother-Provincial.

§ 2. The local Ordinaries must diligently see that the dowries of the religious are conserved; and they must exact an account on the subject, especially at the pastoral visitation.

CANON 551.

§ 1. If, from whatever cause, a professed religious with either solemn or simple vows leaves the Institute, her dowry must be returned to her intact but not the interest already derived therefrom.

§ 2. But if, by virtue of an apostolic indult, the professed religious joins another Institute, the interest on the dowry, during her new novitiate, without prejudice to the prescription of canon 570, § 1, and, after the new

profession, the dowry itself must be given to the latter Institute; if the religious passes to another monastery of the same Order, the dowry is due to it from the day the change takes place.

CANON 552.

§ 1. The Superioress even of exempt religious must inform the local Ordinary, at least two months in advance, of the approaching admission to the novitiate and to the profession both of temporary and perpetual, or of solemn or simple vows.

§ 2. The local Ordinary or, if he is absent or otherwise impeded, a priest delegated by him, must, at least thirty days before the admission to the novitiate and to profession, carefully examine the dispositions of the aspirant, and this gratuitously, without however entering the enclosure; he must inform himself as to whether she has been constrained or beguiled, and if she understands the import of the step she is about to take; and, if he is fully satisfied regarding her pious intention and freedom of action, then the aspirant may be admitted to the novitiate, or, if already a novice, to profession.

ART. II. - *The education of novices.*

CANON 553.

The novitiate begins with the reception of the habit, or in any other manner prescribed by the constitutions.

CANON 554.

§ 1. The novitiate house shall be erected in accordance with the prescriptions of the constitutions; but in the case of Institutes approved by the Holy See, the permission of the Apostolic See is necessary for the erection.

§ 2. If the Institute is divided into provinces, more than one novitiate house must not be erected in the same province, without a grave reason and a special apostolic indult.

§ 3. Superiors shall have in the novitiate houses and houses of study only religious who are exemplary in their zeal for regular observance.

CANON 555.

§ 1. Besides the other conditions enumerated in canon 542 for the validity of the novitiate, it is further required for validity that the novitiate be made:

1° After the aspirant has completed at least his fifteenth year;

2° For an entire and uninterrupted year;

3° In the novitiate house.

§ 2. If the constitutions prescribe more than one year for the novitiate, the extra time is not required for the validity of the profession, except the constitutions expressly declare otherwise.

CANON 556.

§ 1. The novitiate is interrupted, and must be recommenced and completed: if the novice is sent away by the Superior and leaves the house, or, without the permission of the Superior, leaves the house with the intention of not returning, or, finally, even with the permission of the Superiors and from whatever motive, if he has remained for more than thirty days whether continuously or not outside the house, although he may return to it.

§ 2. If the novice, with the permission of Superiors or constrained by force, has passed more than fifteen days but not more than thirty days even interruptedly outside the precincts (*septa*) of the house under the obedience of the Superior, it is necessary and sufficient for the validity of the novitiate that he supply the number of days so passed outside; if for a period not exceeding fifteen days, the supplementing for this period can be prescribed by the Superiors, but it is not necessary for validity.

§ 3. Superiors must not grant permission to remain outside the precincts of the novitiate, except for a just and grave reason.

§ 4. If the novice be transferred by the Superiors to another novitiate house of the same Institute, the novitiate is not interrupted.

CANON 557.

The habit prescribed for novices by the constitutions must be worn throughout the whole period of novitiate, unless special local circumstances determine otherwise.

CANON 558.

In Institutes whose members are divided into two classes, the novitiate made for one class does not avail for the other.

CANON 559.

§ 1. The formation of the novices must be entrusted to a Master, who shall be at least thirty-five years of age, and professed for at least ten years from the date of his first profession, and be distinguished for prudence, charity, piety and fidelity to regular observance, and, if the Institute be clerical, he must be a priest.

§ 2. If it is deemed expedient on account of the number of novices or from any other just cause, let there be given to the Master of novices a companion who shall be immediately subject to him in all matters pertaining to the government of the novitiate, and who must be at least thirty years of age, and professed five years from the date of his first profession, and have the other necessary and suitable qualities.

§ 3. Both should be free from all other occupations which could hinder them in the care and government of the novices.

CANON 560.

The Master of novices and his companion shall be selected according to the direction of the constitutions, and, if these prescribe a fixed term of office, they must not within that time be removed from their charge without a just and grave cause; besides, they may be reappointed.

CANON 561.

§ 1. The Master of novices alone has the right and the obligation of providing for the formation of the novices, he alone is charged with the direction of the novitiate, so that no one, under whatever pretext, may interfere in these matters, except the Superiors who are permitted to do so by the constitutions, and the Visitators; as to the general discipline of the house, the Master, together with the novices themselves, is subject to the Superior.

§ 2. The novice is subject to the authority of the Master and of the Superiors of the Institute, and he is bound to obey them.

CANON 562.

It is a matter of grave obligation for the Master of novices to employ all diligence in assiduously forming his novices in the discipline of the religious life, conformably to the constitutions and to the terms of canon 565.

CANON 563.

During the course of the year of novitiate, the Master of novices, conformably to the constitutions, must present to the Chapter or the higher Superior a report concerning the conduct of each of the novices.

CANON 564.

§ 1. The novitiate shall be, as far as possible, separated from that part of the house inhabited by the professed religious, so that, without a special cause and the permission of the Superior or of the Master, the novices may not have communication with the professed religious, nor these latter with the novices.

§ 2. But a separate place must be assigned to the lay-brother novices.

CANON 565.

§ 1. The year of novitiate under the direction of the Master must have for object the forming of the mind

of the novice by means of the study of the rule and constitutions, by pious meditations and assiduous prayer, by instruction on those matters which pertain to the vows and the virtues, by suitable exercises in rooting out the germs of vice, in regulating the motions of the soul, in acquiring virtues.

§ 2. The lay brothers are, besides, to be carefully instructed in christian doctrine, and to this end a special conference should be given them at least once a week.

§ 3. During the year of novitiate, the novices must not be employed in preaching, or hearing confessions, or in the external charges of the Institute, or even in the study of letters, the sciences or arts; the lay brothers, however, may perform within the religious house itself all the duties of lay brothers (but in a subordinate capacity), in so far only as such duties do not prevent them from taking part in the exercises prescribed for them in the novitiate.

CANON 566.

§ 1. As regards the confessor for the novitiates of women, the prescriptions of canon 520-527 must be observed.

§ 2. For the Institutes of men, without prejudice to the prescriptions of canon 519:

1° There shall be, according to the number of novices, one or more ordinary confessor, safeguarding the prescription of canon 891;

2° The ordinary confessors for the novitiates of clerical Institutes shall live in the novitiate house itself; while for lay Institutes, they shall at least frequently visit the novitiate house to hear the confessions of the novices;

3° Besides the ordinary confessors, other confessors must be designated to whom in particular cases the novices may freely have recourse; nor may the Master of novices manifest any displeasure at this;

4. At least four times in the year, the novices are to be given an extraordinary confessor to whom all are to present themselves at least to receive his blessing.

CANON 567.

§ 1. The novices enjoy all the privileges and spiritual favours granted to the Institute; and if they die during the novitiate they have a right to the same suffrages as are prescribed for the professed members.

§ 2. They must not be promoted to orders during the novitiate.

CANON 568.

If, during the novitiate, a novice in any way whatever renounces his benefices or his property or encumbers them, such a renunciation or encumbrance is not only illicit but also null and void.

CANON 569.

§ 1. Before the profession of simple vows, whether temporary or perpetual, the novice must cede, for the whole period during which he will be bound by simple vows, the administration of his property to whomsoever he wishes, and dispose freely of its use and usufruct, except the constitutions determine otherwise.

§ 2. If the novice, because he possessed no property, omitted to make this cession, and if subsequently property come into his possession, or if after making the provision, he becomes under whatever title the possessor of other property, he must make provision, according to the regulations of § 1, for the newly acquired property, even if he has already made simple profession.

§ 3. In every religious Congregation the novice, before making profession of temporary vows, shall freely dispose by will of all the property he actually possesses or may subsequently possess.

CANON 570.

§ 1. Except the constitutions or a formal agreement require the payment of a certain sum for food and clothing

during the postulancy or novitiate, nothing can be exacted to defray the expenses of the postulancy or novitiate.

§ 2. If the aspirant leaves the Institute without making profession, all that he brought with him to it and has not consumed by use shall be returned to him.

CANON 571.

§ 1. The novice can freely leave the Institute, or he may for any just cause be dismissed by the Superiors or by the Chapter, according to the terms of the constitutions, and the Superior or Chapter is not bound to make known to him the reasons for his dismissal.

§ 2. The novitiate completed, the novice shall be admitted to profession if he is judged suitable, otherwise he shall be sent away; but if there arises a doubt regarding his suitability, the higher Superiors can prolong the time of probation, but not beyond six months.

§ 3. The novice, before pronouncing his vows, shall make a spiritual retreat of at least eight whole days.

CHAPTER III.

Religious profession.

CANON 572.

§ 1. For the validity of any religious profession whatever it is required:

1° That he who makes it be of the legitimate age, according to the terms of canon 573;

2° That the legitimate Superior according to the constitutions admit him to profession;

3° That it be preceded by a valid novitiate according to the terms of canon 555;

4° That the profession be free from violence, grave fear, or fraud;

5° That it be expressed in formal terms;

6° That it be received by the legitimate Superior according to the constitutions, either personally or by delegate.

§ 2. For the validity of the perpetual profession, whether solemn or simple, it is required, besides, that it be preceded by a temporary simple profession according to the prescription of canon 574.

CANON 573.

Whoever would make religious profession must have completed, for the temporary profession, his sixteenth year, and for the perpetual profession, whether solemn or simple, his twenty-first year.

CANON 574.

§ 1. In every Order both of men and of women, and in every Congregation with perpetual vows, the perpetual vows, whether solemn or simple, must be preceded, saving the exception provided for in canon 634, by the profession of simple vows which the novice, on the completion of his novitiate, shall make in the novitiate house itself; this profession is valid for three years, or for a longer period if the subject requires more than three years to attain the age prescribed for perpetual profession, unless the constitutions require annual professions.

§ 2. The legitimate Superior can prolong this period but not beyond a second term of three years, the religious meanwhile renewing the temporary profession.

CANON 575.

§ 1. When the period of temporary profession has expired, the religious, according to the terms of canon 637, must either make perpetual profession, whether solemn or simple, according to the constitutions, or return to secular life; but even during the period of temporary profession he can, if he be not judged worthy to pronounce perpetual vows, be dismissed by the legitimate Superior conformably to canon 647.

§ 2. The vote of the Council or of the Chapter for the first temporary profession is deliberative; for the subsequent perpetual profession, solemn or simple, it is only consultive.

CANON 576.

§ 1. In making the religious profession, the rite prescribed by the constitutions must be observed.

§ 2. A written declaration of the profession, signed by the person professed and at least by him in whose presence the profession was made, must be preserved in the archives of the Institute; and, besides, in the case of solemn profession, the Superior who receives the profession must intimate the fact to the parish priest of the place where the person professed was baptised, conformably to canon 470, § 2.

CANON 577.

§ 1. When the period for which the vows have been taken has expired, there must be no delay in renewing them.

§ 2. The Superiors, however, have the power to permit that, for a just cause, the renewal of the temporary vows may be somewhat anticipated, but not by more than a month.

CANON 578.

Those who have made profession of temporary vows treated of in canon 574:

1° Enjoy the same indulgences, privileges, and spiritual favours as the professed of solemn vows or of simple perpetual vows; and in the case of death have the right to the same suffrages;

2° They are equally obliged to the observance of the rules and constitutions, but where the choral obligation exists, they are not bound by law to the private recitation of the divine office, except they are in sacred orders or the constitutions expressly impose it;

3° They have neither active nor passive voice, except the constitutions expressly declare otherwise; but the time

requisite for the enjoyment of an active and passive voice, when the constitutions are silent on the matter, is to be reckoned from the date of the first profession.

CANON 579.

Simple profession, whether temporary or perpetual, renders acts contrary to the vows illicit, but not invalid, unless it be otherwise formally expressed; while solemn profession renders such acts even invalid, if they can be nullified.

CANON 580.

§ 1. All those who have made profession of simple vows, whether perpetual or temporary, except the constitutions declare otherwise, retain the proprietorship of their property and the capacity to acquire other property, while safeguarding the prescriptions of canon 569.

§ 2. But whatever the religious acquires by his own industry or in respect of his Institute, belongs to the Institute.

§ 3. As regards the cession or disposition of property treated of in canon 569, § 2, the professed religious can modify the arrangement, not however of his own free choice except the constitutions allow it, but with the permission of the Superior-General or, in the case of nuns, of the local Ordinary, as well as with that of the Regular Superior if the monastery be subject to Regulars; the modification, however, must not be made, at least for a notable part of the property, in favour of the Institute; in the case of withdrawal from the Institute, this cession and disposition ceases to have effect.

CANON 581.

§ 1. Not, except within sixty days preceding the solemn profession, can the professed of simple vows validly renounce his property, but within this time he must, saving special indults from the Holy See, renounce in favour of whomsoever he wishes all the property which

he actually possesses, on condition of his profession subsequently taking place.

§ 2. The profession having been made, the necessary measures must be immediately taken to ensure that the renunciation be effective also according to the civil law.

CANON 582.

After solemn profession, likewise without prejudice to special indults of the Apostolic See, all the property which comes in whatever manner to a Regular:

1° In an Order capable of ownership, goes to the Order, to the province, or to the house, according to the constitutions;

2° In an Order incapable of ownership, it becomes the property of the Holy See.

CANON 583.

Those who have made profession of simple vows in any religious Congregation:

1° May not abdicate gratuitously the dominion over their property by a voluntary deed of conveyance (*per actum inter vivos*);

2° May not alter the will made according to the terms of canon 569, § 3, without the permission of the Holy See, or, if the case be urgent and time does not admit of recourse to the Holy See, without the permission of the higher Superior, or, if recourse cannot be had to him either, without the permission of the local Superior.

CANON 584.

A person possessing parochial benefices loses them one year after making any religious profession whatever, other benefices three years after profession.

CANON 585.

A person who has made profession of perpetual vows, whether solemn or simple, ceases by the act of profession to belong to the diocese which he had as a secular.

CANON 586.

§ 1. The religious profession which is null because of some external impediment is not rendered valid by subsequent acts, but it must be validated by the Apostolic See, or, the nullity having been discovered and the impediment removed, a new profession must be lawfully made.

§ 2. If the profession be null on account of a purely internal defect of consent, it becomes valid when the internal consent is given, provided that the consent on the part of the Institute has not been revoked.

§ 3. If there be serious arguments against the validity of the religious profession, and the religious refuse, as a measure of precaution (*ad cautelam*), either to renew the profession or to petition for its convalidation, the matter shall be referred to the Apostolic See.

TITLE XII.

The studies in clerical Institutes.

CANON 587-591.

TITLE XIII.

The obligations and privileges of Religious.

CHAPTER I.

The Obligations.

CANON 592.

All religious are bound to the common obligations of clerics treated of in canons 124-142, except it appears otherwise from the context or from the nature of the case.

CANON 593.

Each and every religious, Superiors as well as subjects, is bound not only to faithfully and integrally observe the

vows of which he has made profession, but also to order his life according to the rules and constitutions of his Institute, and thus tend to the perfection of his state.

CANON 594.

§ 1. In every religious Institute, all must carefully observe the common life, even in matters of food, clothing, and furniture.

§ 2. Whatever is acquired by the religious, including the Superiors, according to the terms of canon 580, § 2, and canon 582, n. 1, must be incorporated in the goods of the house, or of the province, or of the Institute; and all the money and *titles* (*tituli*) shall be deposited in the common safe.

§ 3. The furniture of the religious must be in accordance with the poverty of which they make profession.

• CANON 595.

§ 1. Superiors must take care that all the religious:

1° Make an annual spiritual retreat;

2° Daily assist at Mass, except legitimately impeded, make the meditation, and faithfully perform the other exercises of piety prescribed by the rules and constitutions;

3° Approach the sacrament of penance at least once a week.

§ 2. Superiors should promote amongst their subjects the frequent, even daily, reception of Holy Communion; and liberty must be given to every properly disposed religious to approach frequently, even daily, the most Holy Eucharist.

§ 3. If, however, a religious has, since his last sacramental confession, given grave scandal to the community, or committed a serious external fault, the Superior can forbid him to receive Holy Communion until he shall have again approached the sacrament of penance.

§ 4. If in any Institute, whether of solemn or simple vows, the rules or the constitutions or even the calendars

assign or prescribe certain fixed days for the reception of Holy Communion, such regulations are to be regarded as merely directive.

CANON 596.

All religious shall wear the habit proper to their Institute both inside and outside the house, except, in the judgment of the higher Superior or, in case of urgency, even of the local Superior, a grave cause excuses.

CANON 597.

§ 1. In all the houses of Regulars, whether of men or women, canonically established, even though not formal, the papal enclosure must be observed.

§ 2. The law of papal enclosure affects the whole house inhabited by the Regular community, including the orchards and gardens the access to which shall be reserved to the religious, but excluding the public church with its sacristy, the guest-house, if there be one, and the parlour, which last should, where possible, be situated near the entrance to the house.

§ 3. The parts of the house subject to the law of enclosure must be clearly indicated; it pertains to the higher Superior or to the General Chapter according to the constitutions, or, in the case of a monastery of nuns, to the Bishop, to determine exactly the limits of the enclosure or to modify them for lawful reasons.

CANON 598.

§ 1. Within the enclosure of male Regulars, women of whatever age, class, or condition, must not under any pretext be admitted.

§ 2. From this law are exempt the wives of rulers of states, with their retinue.

CANON 599.

§ 1. When the house of male Regulars has annexed to it a house for boarding pupils, or for other works proper

to the Institute, a separate part at least of the house should, if possible, be reserved for the habitation of the religious, and subject to the law of enclosure.

§ 2. Even to places outside the enclosure reserved for extern or intern pupils or for works proper to the Institute, persons of the other sex must not be admitted except for a just reason, and with the permission of the Superior.

CANON 600.

Within the enclosure of nuns no one, of whatever class, condition, sex or age may be admitted without the permission of the Holy See, except the following persons:

1° The local Ordinary or the Regular Superior canonically visiting the monastery of nuns, or other Visitors delegated by them may enter the enclosure, but only for the purpose of inspection, and on condition that they be accompanied by at least one cleric or male religious of mature age;

2° The confessor or his substitute can, with the due precautions, enter the enclosure to administer the sacraments to the sick or to assist the dying;

3° Rulers of states, with their wives and retinue; and also Cardinals;

4° The Superioress, after taking the due precautions, can permit the doctor, the surgeon and others, whose work is necessary, to enter the enclosure, having previously obtained at least the habitual approval of the local Ordinary; but if urgent necessity does not allow time to seek this approval, she may presume the permission.

CANON 601.

§ 1. No nun, after profession, may, under whatever pretext, leave the monastery even for a short time, without a special indult of the Holy See, except in the case of imminent danger of death or other very serious evil.

§ 2. This danger, if time permits, must be recognised as such by the local Ordinary in writing.

CANON 602.

The enclosure of the monastery of nuns should be protected on every side in such a manner as to prevent, as far as possible, those within from being seen by, or seeing, persons outside.

CANON 603.

§ 1. The enclosure of nuns, even those subject to Regulars, is under the vigilance of the local Ordinary who can correct and coerce, even with penalties and censures, the delinquents, not excepting male Regulars.

§ 2. The custody of the enclosure of nuns subject to Regulars is confided also to the Regular Superior who can likewise inflict punishment on the nuns or his other subjects, if in this matter they be found guilty.

CANON 604.

§ 1. In the houses also of religious Congregations, whether with papal or diocesan approval, the law of enclosure must be observed, so that no one of the other sex may be admitted there, excepting those mentioned in canon 598, § 2 and canon 600, and others whom the Superiors consider may, for just and reasonable motives, be admitted.

§ 2. The prescription of canon 599 applies also to houses of religious Congregations whether of men or women.

§ 3. In particular circumstances and for grave reasons, the Bishop can, except in the case of an exempt clerical Institute, safeguard the enclosure by censures; always, however, he must be vigilant in having it duly observed and in correcting any abuses that may arise in this respect.

CANON 605.

All those who have the custody of the enclosure shall carefully see lest, from intercourse with outsiders, the discipline be relaxed and the religious spirit weakened by useless conversation.

CANON 606.

§ 1. Religious Superiors must take care that the prescriptions of their constitutions be faithfully observed regarding the egress of subjects from the cloister (*claustris*), or their receiving visits from, or paying visits to, outsiders.

§ 2. It is not lawful for Superiors, saving the dispositions of canons 621-624, to permit their subjects to remain outside the house of their own Institute, except for a just and grave cause and for as brief a period as possible according to the constitutions; but for an absence of more than six months, unless for motives of study, the permission of the Apostolic See is always required.

CANON 607.

The Superioresses and local Ordinaries shall attentively see that the religious, except in the case of necessity, do not go out singly from the house.

CANON 608.

§ 1. The Superiors shall take care that the religious subjects, designated by them, cheerfully discharge, without prejudice to religious discipline, the sacred ministry, whether in their own churches or in those of others or in public oratories, especially in the dioceses in which they live, when, for the needs of the faithful, their assistance is required by the local Ordinary or by the parish priest.

§ 2. Reciprocally, the local Ordinary and parish priests shall willingly use the services of the religious, especially of those resident in the diocese, for the sacred ministry and particularly for the administration of the sacrament of penance.

CANON 609.

§ 1. If the church attached to the residence of the religious community is at the same time parochial, the prescriptions of canon 415 are, in due proportion (*congrua congruis referendo*), to be observed. .

§ 2. The church of religious women, whether with solemn or simple vows, cannot be parochial.

§ 3. The Superiors must see that the celebration of the divine offices in their own churches be not a hindrance to the catechetical instruction or the explanation of the Gospel given in the parochial church; it pertains to the local Ordinary to judge whether or not this hindrance exists.

CANON 610.

§ 1. In the Institutes, whether of men or women, in which exists the choral obligation, the divine office in common, conformably to the constitutions, must be recited in every house in which there are at least four religious who are bound to choir and who are not actually lawfully impeded, and even fewer if the constitutions so prescribe it.

§ 2. The Mass corresponding to the office of the day according to the rubrics must also be celebrated in the Institutes of men and even, where possible, in the Institutes of women.

§ 3. In these Institutes, whether of men or women, the solemnly professed members, who have been absent from choir, must, the lay brothers excepted, recite the canonical hours privately.

CANON 611.

All religious, whether men or women, can freely send letters, exempt from all control, to the Holy See and its Legate in the country, to their Cardinal Protector, to their own higher Superiors, to the Superior of their house when absent, to the local Ordinary to whom they are subject, and, in the case of nuns subject to the jurisdiction of Regulars, to the higher Superiors of the Order; and from all these persons the religious, men or women, can also receive letters which nobody has the right to open.

CANON 612.

Besides the prescription of canon 1345, if the local Ordinary prescribes from a motive of public utility the

ringing of the bells, certain prayers or sacred solemnities, all religious, even the exempt, must obey, without prejudice to the constitutions and privileges of each Institute.

CHAPTER ·II.

The Privileges.

CANON 613.

§ 1 Each Institute enjoys those privileges only which are contained in this Code, or may have been directly conceded to it by the Apostolic See; every communication of privileges is henceforth excluded.

§ 2. The privileges which a Regular Order enjoys belong also to the nuns of the same Order, in so far as they are capable of enjoying them.

CANON 614.

Religious, even lay religious, and novices, enjoy the privileges of clerics enumerated in canons 119-123.

CANON 615.

Regulars, both men and women, including the novices, except those nuns who are not subject to Regular Superiors, are exempt together with their houses and churches from the jurisdiction of the local Ordinary, except in the cases provided for by law.

CANON 616.

§ 1. Regulars unlawfully absent from their house, even under the pretext of having recourse to their Superiors, do not enjoy the privilege of exemption.

§ 2. Regulars, who have committed a crime outside their house and are not punished by their Superior warned of the fact, can be punished by the local Ordinary, even though they may have lawfully left their house and have returned to it.

CANON 617.

§ 1. If abuses have crept into the houses and churches of Regulars or of other exempt religious, and the Superior, having been warned of the fact, neglects to provide a remedy, the local Ordinary is bound to refer the matter immediately to the Apostolic See.

§ 2. Every non-formal house remains under the special vigilance of the local Ordinary who, if abuses arise and be a source of scandal to the faithful, can himself provisionally deal with them.

CANON 618.

§ 1. Institutes with simple vows do not enjoy the privilege of exemption, unless it has been specially conceded to them.

§ 2. As regards Institutes approved by the Holy See, however, the local Ordinary may not:

1° Make any change in the constitutions or enquire into the temporal administration, saving the dispositions of canons 533-535;

2° Interfere in the internal government and discipline, except in the cases expressed by law; nevertheless, in regard to lay Institutes, the local Ordinary can and must enquire: whether the discipline is maintained conformably to the constitutions, whether sound doctrine and good morals have suffered in any way, whether there have been breaches of the law of enclosure, whether the reception of the sacraments is regular and frequent; and, if Superiors having been warned of the existence of grave abuses have failed to duly remedy them, the Ordinary himself shall provide; if, however, something of greater importance, which will not suffer delay, occur, the Ordinary shall decide immediately; but he must report his decision to the Holy See.

CANON 619.

In all matters in which religious are subject to the local Ordinary, he can coerce them even by penalties.

CANON 620.

Every indult lawfully granted by the local Ordinary dispensing from the obligation of the common law avails likewise for all religious living in the diocese, without prejudice to the vows and particular constitutions of their own Institute.

CANON 621.

§ 1. Regulars who by virtue of their Institute bear the name of and are mendicants can, with the simple permission of their Superiors, collect alms in the diocese in which their religious house is established; outside the diocese, however, they need the written permission of the Ordinary of the place where they propose to seek alms.

§ 2. Local Ordinaries, especially those of the adjoining dioceses, may not, without grave and urgent reasons, refuse or revoke this permission if the religious house cannot possibly subsist on the alms collected in the diocese alone in which it is situated.

CANON 622.

§ 1. All other religious of Congregations approved or commended by the Holy See are forbidden to seek alms, without a special privilege from the Holy See; those who may have obtained this privilege require, besides, the written permission of the local Ordinary, unless it be otherwise expressly stated in the privilege.

§ 2. Religious of diocesan Congregations cannot in any way seek alms without the written permission of the Ordinary of the place in which their house is situated, as well as of the Ordinary of the place in which they propose to quest.

§ 3. Local Ordinaries shall not give to the religious mentioned in §§ 1 and 2 of this canon, permission to seek alms, especially in places where there are convents of Regulars nominally and actually mendicants, until they have satisfied themselves as to the real necessity of the house or pious work, and the impossibility of otherwise obtaining

help; and if it is possible to provide for this necessity by seeking alms within the locality, the district, or the diocese in which these religious live, the Ordinaries shall not accord them more ample authorisation.

§ 4. Without an authentic and recent rescript of the Sacred Congregation for the Eastern Church, the Ordinaries of the Latin rite must not permit any oriental of whatever order or dignity to collect money in their territory, nor send any of their subjects to oriental dioceses for the same purpose.

CANON 623.

Superiors must not entrust the collection of alms to others than professed subjects of mature age and character, especially in the case of women, but never may students be so employed.

CANON 624.

As to what concerns the method to be followed in seeking alms and the discipline to be observed by those who seek them, the religious of both sexes must conform to the instructions given by the Holy See on this subject.

CANON 625.

.

CHAPTER III.

The obligations and privileges of religious promoted to ecclesiastical dignities, or to parishes.

CANONS 626-631.

.

TITLE XIV.

On passing to another Institute.

CANON 632.

No religious can, without authorisation from the Apostolic See, pass to another Institute, even stricter, or from one independent monastery to another.

CANON 633.

§ 1. He who passes to another Institute must make a novitiate, during which the vows remain intact, while the rights and particular obligations which he had in the former Institute are suspended, and he is bound to obey the Superiors of his new Institute and the Master of novices even by virtue of the vow of obedience.

§ 2. If he does not make profession in the new Institute, he must return to his old one, except in the interval the term of his vows expire.

§ 3. He who passes to another monastery of the same Order makes neither a new novitiate nor a new profession.

CANON 634.

If a person who has made profession of solemn or of simple perpetual vows joins another Institute with solemn vows or with simple perpetual vows, he must, after the novitiate, omit the temporary profession spoken of in canon 574, and make profession of solemn vows or of simple perpetual vows according to the Institute, or he must return to the former Institute; the Superior, however, has the right to prolong the period of probation, but not beyond one year after the completion of the novitiate.

CANON 635.

Those who pass to another monastery of the same Institute, from the day of transition, but if to another Institute, from the day of their new profession:

1.° Lose all the rights and obligations of the former Institute or monastery, and assume the rights and duties of their new Institute or monastery;

2.° Abdicate, in favour of the Institute or monastery which they leave, the property that they may have acquired as religious; as to the dowry and its interest and other personal property of the religious, if he had such, the prescription of canon 551, § 2, is to be observed; the new Institute is entitled to demand for the time of

the novitiate a just compensation, if this be not opposed to the terms of canon 570, § 1.

CANON 636.

The solemnity of the vows of one who, according to the foregoing canons, lawfully makes profession of simple vows in a religious Congregation, is by that fact abolished, except an apostolic indult expressly determine otherwise.

TITLE XV.

On abandoning Religion.

CANON 637.

Those who have made profession of temporary vows may, when the term of the vows has expired, freely leave the Institute; likewise, the Institute, for just and reasonable motives, can exclude the religious from renewing the temporary vows or from making profession of perpetual vows, not however because of ill-health except it be clearly proved that the religious, before profession, had fraudulently hidden or dissimulated the illness.

CANON 638.

The indult for remaining outside the cloister, either temporarily, that is the indult of *exclaustration* (*exclaustrationis*), or perpetually, that is the indult of *secularisation* (*saecularizationis*), can be granted for the Institutes approved by the Holy See by the Apostolic See alone, while the local Ordinary can grant it for diocesan Institutes.

CANON 639.

Whoever has obtained from the Apostolic See the indult of exclaustration, remains bound by his vows and the other obligations of his profession compatible with his state; but he must put off the religious habit; he shall be without active and passive voice during the period

expressed in the indult, but he enjoys the merely spiritual privileges of his Institute, and he is subjects not to the Superiors of his own Institute, but to the Ordinary of the diocese in which he resides, and this even by virtue of his vow of obedience.

CANON 640.

§ 1. When a professed religious, having obtained the indult of secularisation, leaves the Institute:

1° He is cut off from his Institute, he must lay aside the religious habit, and, as to Mass and canonical hours, the use and administration of the Sacraments, he is in the same position as seculars;

2° He is freed from his vows, without prejudice to the obligations attached to major orders, if he has received them; he is not obliged to the recitation of the canonical hours by virtue of his profession, nor is he bound by other rules and constitutions.

§ 2. If, by virtue of an apostolic indult, he is received again into the Institute, he must make a new novitiate and profession, and his place, amongst the professed members, must be reckoned from the day of his new profession.

CANONS 641-642.

.

CANON 643.

§ 1. Whoever leaves his Institute, whether on the expiration of the term of temporary vows or by virtue of an indult of secularisation, or whoever has been dismissed, cannot seek compensation for the services rendered by him to the Institute.

§ 2. In the case of a female religious who has been received without a dowry, and who cannot provide for herself out of her own resources, the Institute should in charity give her what is necessary for her to return safely and becomingly to her home, and provide her for a certain period with the means, to be determined by mu-

tual consent or, in the case of disagreement, by the local Ordinary, of an honest livelihood, in accordance with natural equity.

CANON 644.

§ 1. An apostate from religion is one who, having made profession of perpetual vows, whether solemn or simple, unlawfully leaves the religious house with the intention of not returning, or who, with the intention of withdrawing himself from religious obedience, though he has lawfully left the house, does not return to it.

§ 2. The perverse intention, referred to in § 1, is legally presumed when the religious within a month has neither returned nor manifested to his Superior his intention of returning.

§ 3. A fugitive is one who, without the permission of his Superiors, deserts the religious house but with the intention of returning to the Institute.

CANON 645.

§ 1. Neither apostate nor fugitive is freed from the obligation of his rule and vows, and must without delay return to his Institute.

§ 2. The Superiors must seek them with solicitude, and receive them if they return animated by a sincere repentance; but as to apostate or fugitive nuns, the local Ordinary shall prudently see to their return, and the Regular Superior also, in the case of an exempt monastery.

TITLE XVI.

The dismissal of religious.

CANON 646.

§ 1. The following religious are *ipso facto* regarded as lawfully dismissed:

1° Religious who have publicly apostatized from the catholic faith;

2° A religious who will have run away with a person of the opposite sex;

3° Religious who attempt or contract marriage, even the so-called civil marriage.

§ 2. In these cases it suffices that the higher Superior with his Chapter or Council according to the prescriptions of the constitutions make a declaration of fact; but he must take care to preserve in the register of the house the collected evidence of the fact.

CHAPTER I.

The dismissal of religious who have made profession of temporary vows.

CANON 647.

§ 1. In Orders and in Congregations approved by the Holy See, the dismissal of a religious with temporary vows can be effected by the Superior-General or the Abbot of an independent monastery each with the consent of his respective Council, manifested by secret voting, or, in the case of nuns, by the local Ordinary and, if the monastery be subject to Regulars, by the Regular Superior, after the Superioress of the monastery with her Council will have given a written attestation of the motives for the dismissal; finally, in diocesan Congregations, this dismissal is to be effected by the Ordinary of the place in which the religious house is situated, but the Ordinary must not exercise this right without the knowledge or against the just opposition of the Superiors.

§ 2. These Superiors and Ordinaries can dismiss a religious only on the following conditions, the observance of which constitutes for them a grave obligation in conscience:

1° The motives for the dismissal must be grave;

2° These motives can be either from the part of the Institute or from the part of the religious. The absence of the religious spirit which is a cause of scandal to others, is a sufficient motive for dismissal, when a repeated admon-

ition together with a salutary penance has produced no effect; ill-health is not a sufficient motive for dismissal, unless it be proved with certainty that it had been fraudulently hidden or dissimulated before profession;

3° Although these motives must be really known to the Superior who effects the dismissal, it is not necessary however, that they be proved by a judicial process. But they must always be manifested to the religious, and full liberty to reply given him; and his replies must be faithfully submitted to the Superior effecting the dismissal;

4° The religious has the right to appeal to the Apostolic See against the decree of dismissal; and, pending the appeal, the dismissal has no juridical effect;

5° In the case of religious women, the prescriptions of canon 643, § 2 must be observed.

CANON 648.

The religious dismissed according to the terms of canon 647 is *ipso facto* freed from all his religious vows, without prejudice to the obligations attached to major orders, if he has received them, and safeguarding the prescriptions of canons 641, § 1, and 642; the cleric however who is in minor orders is reduced by such dismissal to the lay state.

CHAPTER II.

The dismissal of religious who have made profession of perpetual vows in a non-exempt clerical Institute or in a lay Institute.

CANON 649.

In the non-exempt clerical Institutes and in lay Institutes of men, the dismissal of a member who has made profession of perpetual vows must necessarily be preceded by three offences with a double admonition and failure to amend, according to the terms of canons 656-662.

CANON 650.

§ 1. When these facts are ascertained, the Superior-General of the Institute with his Council, having considered all the circumstances, shall deliberate whether the case be one for dismissal.

§ 2. If the majority of the votes are in favour of dismissal:

1° In the diocesan Institutes, the whole matter must be referred to the Ordinary of the place in which the religious house of the professed is situated, and it rests with the Ordinary to decide according to his discretion on the dismissal, conformably to the terms of canon 647;

2° In the case of Institutes approved by the Holy See, the Superior-General of the Institute issues the decree of dismissal; but in order that it have effect, it must be confirmed by the Apostolic See.

§ 3. The religious has the right to freely expose his reasons; and his replies must be faithfully reported in the acts.

CANON 651.

§ 1. Also for the dismissal of religious women who have made profession of perpetual vows, whether solemn or simple, grave external reasons are required together with incorrigibility, experience having proved, in the judgment of the Superioress, that there is no hope of amendment.

§ 2. The prescription of canon 650, § 3, must be observed in the dismissal of religious women also.

CANON 652.

§ 1. In the case of diocesan Institutes, the Ordinary of the place in which the house of the professed Sister is situated, must examine the motives for and issue the decree of dismissal.

§ 2. If there be question of nuns, the local Ordinary shall transmit to the Sacred Congregation all the acts and documents with a statement of his own judgment of the

case, and that of the Regular Superior if the monastery be subject to Regulars.

§ 3. In the case of other religious approved by the Holy See, the Mother-General likewise shall transmit to the Sacred Congregation the whole matter with all the acts and documents. In this and in the preceding case the Sacred Congregation shall decide as it thinks best, without prejudice to the prescriptions of canon 643, § 2.

CANON 653.

In the case of grave external scandal or of very serious imminent injury to the community, the religious can be dismissed immediately by the higher Superior with the consent of his Council or even, if there be danger in delay and time does not admit of recourse to the higher Superior, by the local Superior with the consent of his Council and of the local Ordinary; the religious must immediately put off the religious habit; the Ordinary, however, or the higher Superior, if he be present, must without delay submit the matter to the judgment of the Holy See.

CHAPTER III.

The judicial process for the dismissal of religious who have made profession of perpetual vows whether solemn or simple in an exempt clerical Institute.

CANONS 654-655.

.....

CANON 656.

Judicial proceedings may not be begun except preceded by:

- 1° Grave external offences either against the universal law or against the special law of religious;
- 2° Admonitions;
- 3° Failure to amend.

CANON 657.

There must be at least three offences of the same species or, if they are of different species, of such a nature that when taken together they manifest the perversity of the will resolved on evil, or only one continuous offence which, from repeated admonitions, has virtually become threefold.

CANON 658.

§ 1. To justify an admonition, it is necessary that the offence be notorious or that it be manifest either from the extrajudicial confession of the culprit or from other sufficient proofs furnished by previous investigation.

§ 2. In making this investigation, the prescriptions, preserving the due proportions, of canon 1939 and following canons are to be observed.

CANON 659.

The admonition must be given by the immediate higher Superior personally or by another acting on his mandate; but the Superior must not give the mandate until he has obtained information on the facts, according to the terms of canon 658, § 1; the mandate given for the first admonition avails also for the second.

CANON 660.

There must be two admonitions, namely: one for each of the first two offences; but in the case of continuous or permanent offences, an interval of at least three whole days must elapse between the first and second admonition.

CANON 661.

§ 1. The Superior shall add to the admonitions opportune exhortations and corrections, imposing, besides, penances and other penal remedies calculated to procure the amendment of the culprit and the reparation of the scandal.

§ 2. The Superior is also bound to remove the culprit from the occasions of relapse, even to the extent of transferring him, if necessary, to another house where the vigilance will be easier and the occasion of offending more remote.

§ 3. To each admonition must be added the threat of expulsion.

CANON 662.

The religious is considered not to have amended if, after the second admonition, he commits a new offence, or perseveres in the old one; after the last admonition, at least six days must elapse before further steps be taken.

CANONS 663-668.

.....

CHAPTER IV.

Dismissed religious who have made profession of perpetual vows.

CANON 669.

§ 1. The religious who has made profession of perpetual vows and who has been dismissed from the Institute remains bound by his religious vows, except the constitutions or apostolic indults determine otherwise.

§ 2. If he be a cleric and in minor orders, he is by the fact of dismissal reduced to the lay state.

CANONS 670-672.

.....

TITLE XVII.

Societies whether of men or women living in community without vows.

CANON 673.

§ 1. Every Society, whether of men or women, whose members imitate the manner of life of religious by living in community under the government of Superiors according to approved constitutions, but without being bound by the usual three vows, is not properly a religious Institute, nor can its members be properly designated by the name of religious.

§ 2. Such a Society is clerical or lay, pontifical or diocesan according to the terms of canon 488, nn. 3 and 4.

CANON 674.

As to the erection and suppression of a Society, and of its provinces or houses, the same laws apply as are laid down for religious Congregations.

CANON 675.

The government of every Society is determined by its constitutions, but, preserving the due proportions, canons 499-530 must be observed in all.

CANON 676.

§ 1. Every Society, its provinces and houses are capable of acquiring and of possessing property.

§ 2. The administration of the property is regulated by the dispositions of canons 532-537.

§ 3. Whatever property comes to the members with a view to the Society is acquired by it; as to other property, the members retain, acquire and administer it according to the constitutions.

CANON 677.

For the admission of candidates, the constitutions are to be observed, without prejudice to the prescriptions of canon 542.

CANON 678.

In those matters which pertain to studies and the reception of orders, the members are governed by the same laws as secular clerics without prejudice to the particular prescriptions given by the Holy See.

CANON 679.

§ 1. The members of the Society, besides the obligations to which the constitutions bind them as members, are bound to the common obligations of clerics, except it appears otherwise from the nature of the case or from the context.

§ 2. They shall observe the law of enclosure according to the terms of the constitutions, under the vigilance of the local Ordinary.

CANON 680.

The members, even the lay members, of such Societies enjoy the privileges of clerics enumerated in canons 119-123, and other privileges accorded directly to the Society, but not the privileges of religious, without a special indult.

CANON 681.

Besides the constitutions proper to each Society concerning the passing to another Society or to some Institute, or on the departure of members from a Society even approved by the Holy See, the prescriptions of canon 632-635 and 645 are to be observed, the due proportions being maintained; and as to their dismissal, the prescriptions of canons 646-672 are to be followed.

EXTRACTS FROM CANONS

CONCERNING

RELIGIOUS

CANON 34, § 3, 3° - (By complete year of novitiate is to be understood the year as it is in the calendar, but the first day is not to be counted, and the year will end at the close of the day of the same date).

... 5° If it is a question of acts of the same kind to be renewed at fixed times, for example *three years from the temporary to perpetual profession, three years or other period of time to renew an election*, etc., the time ends on the recurrence of the same date on which it began, but the new act can be performed at any time during that same day.

CANON 101, § 1. - Concerning the acts of collegiate moral entities:

1° Except it be otherwise expressly determined by the universal or particular law, that decision is valid in law which has been approved by the absolute majority of the voters, without taking account of the spoiled votes, or, after two inefficacious scrutinies, by the relative majority in the third scrutiny; if, after the third scrutiny, the votes are equal, the vote of the president shall decide the majority, or, in the case of elections, if the president be unwilling to change the equilibrium by his vote, the senior by reason of ordination, or of first profession, or of age, shall be regarded as elected.

CANON 105. - When the law declares that the Superior in order to act requires the consent or the counsel of certain persons:

1° If it is their consent that is required, the act of the Superior is invalid if it is in contradiction to their vote;

if only their counsel is required, as is the case when such expression as the following are used: *with the advice of the consultors*, or *having consulted the Chapter, parish priest*, etc., it suffices for validity that the Superior consult those persons; but although the Superior is in no way obliged to act according to their decision, even when unanimous, nevertheless, he should, especially when there are many councillors, make much account of their point of view, and not differ from them without what seems to him a preponderating reason.

CANON 106, 5° - Between different corporate entities of the same species or of the same degree, precedence belongs to that which is in peaceful quasi-possession, and, if quasi-possession cannot be proved, then to that which has been the first established in the place where the question arises; but among members of any college, the right of precedence shall be determined according to its own legitimate statutes; otherwise by lawful custom; or, failing this, by the prescriptions of the universal law.

CANON 168. - If any of the electors be present in the house where the election takes place, but owing to sickness cannot be present at the election, his vote in writing shall be taken by the scrutators, unless the particular laws or legitimate customs determine otherwise.

CANON 170. - No one can validly vote for himself.

CANON 171, § 1. - Before the election, there shall be designated by secret voting, unless the statutes of the Institute have already appointed them, at least two scrutators from the members of the college of electors who together with the president, if he also is a member of the college, shall pledge themselves by oath to faithfully accomplish their office and to keep secret, even after the election, all the transactions of the assembly.

§ 2. The scrutators shall take care that the votes be given by each elector secretly, diligently, separately and according to the order of precedence; having ultimately

collected the votes, they shall examine, in the presence of the president of the election and according to the manner prescribed by the particular constitutions or legitimate customs, whether the number of votes corresponds to the number of electors; they shall then examine the votes themselves and openly declare how many votes each has received.

§ 3. If the number of votes exceeds the number of electors the scrutiny is null.

§ 4. The votes are to be burned immediately after each scrutiny, or at the end of the session if in the same session there have been several scrutinies.

§ 5. All the acts of the election shall be diligently written down by him who fills the office of secretary, and, after being signed by at least the secretary himself, the president and scrutators, shall be carefully preserved in the archives of the body of electors.

CANON 174. - He who has obtained the requisite number of votes according to the prescription of canon 101, § 1, n. 1, shall be considered elected and shall be declared so by the president of the assembly.

CANON 464, § 2. - The Bishop for a just and grave reason may withdraw from the care of the parish priest the religious communities and pious houses existing within the limits of the parish and not exempt by law.

CANON 693, § 4. - Without prejudice to the prescription of canon 704, religious can become members of pious associations, except of those whose laws, in the judgment of the Superiors, are not compatible with the observance of the rule and constitutions.

CANON 704, § 1. - Those who have made profession of vows, whether perpetual or temporary, in any Institute, cannot at the same time belong to any third Order, even if they belonged to it before profession.

§ 2. A person who was a member of a third Order before becoming a religious, at once resumes his place in it if, dispensed from his vows, he returns to secular life.

CANON 712, § 3. - In the churches or oratories of religious women, the local Ordinary may permit the erection of associations for women only, or of pious unions whose object is purely spiritual, and whose members enjoy the communication of spiritual favours only.

CANON 766. - No one may lawfully be admitted as sponsor at Baptism who is:

... 4° Either a novice or professed religious in any Institute, except in the case of urgent necessity and with the express permission of at least the local Superior.

CANON 796, 3° - (The foregoing prescription, canon 766, n. 4, must be observed also in the case of sponsor at Confirmation).

CANON 875, § 2. - In an exempt lay Institute, the Superior proposes the confessor who, however must receive jurisdiction from the Ordinary of the place in which the religious house is situated.

CANON 1221, § 1. - A professed religious or novice when he dies must be translated for the funeral service to the church or oratory of his own religious house, or at least to a church or oratory of the Institute, except the novice will have selected another church for his funeral service; but the right of removing the body and having it borne to the church for the funeral service always belongs to the religious Superior.

§ 2. If a religious die far away from his religious house, so that the body could not be conveniently transported to the church of his own house or at least of his Institute, the funeral service must take place in the church of the parish where he dies, unless, if a novice, he may have selected another church for the funeral service, and without prejudice to the rights of Superiors provided for by canon 1218, § 3.¹

¹ Canon 1218, § 3. - Even though the translation of the body to the church where the funeral service is to be celebrated or to the place of

§ 3. What has been said in §§ 1 and 2 regarding novices applies also to the persons actually employed in the service and permanently dwelling within the precincts of the religious house; but if they die outside the religious house, the funeral must be celebrated according to the prescriptions of canons 1216-1218.

CANON 1222. - As to the bodies of those who were dwelling in a religious house, even of Regulars, or in a college, by reason of hospitality, education, or infirmity, and as to the bodies of those who die in a hospital, the prescriptions of canons 1216-1218 are to be observed in their regard, except it be provided for by a particular law or privilege; ...

CANON 1230, § 5. - When female religious and novices die in a religious house, the other religious shall bear the body to the threshold of the enclosure; and thence, in the case of religious not subject to the jurisdiction of the parish priest, the chaplain shall conduct the body to the church or oratory of the religious house and there celebrate the obsequies; in the case of other religious women, the prescription of § 1, is to be observed (namely, the parish priest performs the function); as to the religious women who die outside their religious house, the general dispositions of the canons are to be observed.

CANON 1264, § 2. - Religious women, in so far as they are permitted to sing publicly in their own churches or oratories by their constitutions and the liturgical laws, and by the local Ordinary, must sing from a place where they cannot be observed by the people.

CANON 1524. - All religious, and especially clerics, as well as the administrators of ecclesiastical affairs must give to the workers whom they employ an appropriate and just wage; they shall see that they perform at the proper time

burial be difficult, the family, the heirs, or others interested, nevertheless, have always the right of translating it thither by defraying the expenses of the transport.;

their christian duties; and on no account divert them from the care of domestic affairs and the pursuit of economy, nor impose on them heavier work than their strength is equal to, nor such as is incompatible with their age and sex.

CANON 2385. - Without prejudice to the prescription of canon 646, the religious who has apostatised from his Institute incurs by the law itself (*ipso iure*) excommunication reserved to his own higher Superior or, in the case of a lay or non-exempt Institute, to the Ordinary of the place in which he resides; he is excluded from all legitimate ecclesiastical acts, deprived of all the privileges of his Institute; and, if he returns to it, he remains for ever without active and passive voice, and, besides, he must be punished by his Superiors with other penalties according to the gravity of the fault, conformably to the constitutions.

CANON 2386. - The fugitive religious incurs *ipso facto* privation of office, if he had one in his Institute, and, if he is in sacred orders, suspension reserved to his own higher Superior; when he will have returned, he must be punished conformably to the constitutions, and if the constitutions make no provision for the case, the higher Superior shall inflict punishment according to the gravity of the fault.

CANON 2389. - Religious who violate in a notable matter the law of common life prescribed by the constitutions, must be seriously admonished and, if no amendment follows, punished even by the privation of active and passive voice and, if Superiors, of office also.

CANON 2411. - The religious Superiors who will have received to the novitiate an unsuitable candidate contrary to the prescription of canon 542, or without the requisite testimonial letters contrary to the prescription of canon 544, or who will have admitted a novice to profession contrary to the prescription of canon 571, § 2, shall be punished according to the gravity of their fault, even to the extent of being deposed from office.

CANON 2412. - The Superioresses even of exempt religious women shall be punished by the local Ordinary, according to the gravity of their fault, including, if necessary, even deposition from office.

1° If, contrary to the prescription of canon 549, they will have presumed to spend, in whatever manner, the dowries of the young girls received into the Institute, always safeguarding the obligation mentioned in canon 551;

2° If, contrary to the prescription of canon 552, they will have omitted to inform the local Ordinary concerning the approaching admission of a subject to the novitiate or to profession.

CANON 2413, § 1. - Superioresses who, after the visitation has been announced, will have transferred religious to another house, without the consent of the Visitor, likewise all the religious, whether Superioresses or subjects, who, personally or through others, directly or indirectly, will have induced any religious not to reply to the questions of the Visitor, or to dissimulate or not sincerely expose the truth, and, finally, those who, under whatever pretext, will have molested any religious on account of replies which she may have given to the Visitor, shall be declared by the Visitor as incapable of obtaining any office which bears with it the government of other religious, and the Superioresses, if found guilty in this respect, shall be deposed from office.

§ 2. The prescriptions of the preceding paragraph are also applicable to the Institutes of men.

CANON 2414. - If a Superioress acts against the prescription of canons 521, § 3, 522, and 523, she shall be admonished by the local Ordinary; if again found delinquent, she shall be punished by removal from office, and the Sacred Congregation of Religious immediately informed of the matter.

...

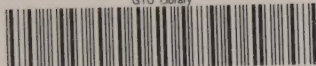
TABLE OF CONTENTS

	PAGE
FOREWORD	5
BOOK II. - Persons. - Second Part: Religious	7
TITLE IX. - The erection and suppression of Institutes, Provinces, Houses	9
TITLE X. - The government of Institutes	12
CHAPTER I. - Superiors and Chapters	12
CHAPTER II. - Confessors and Chaplains	18
CHAPTER III. - Temporal goods and their administration	23
TITLE XI. - Admission into Religion	26
CHAPTER I. - The Postulancy	26
CHAPTER II. - The Novitiate	27
ARTICLE I. - The conditions required for admission to the novitiate	27
ARTICLE II. - The education of novices	32
CHAPTER III. - Religious profession	38
TITLE XII. - The studies in clerical Institutes	43
TITLE XIII. - The obligations and privileges of religious	43
CHAPTER I. - The Obligations	43
CHAPTER II. - The Privileges	50
CHAPTER III. - The obligations and privileges of religious promoted to ecclesiastical dignities or to parishes	53
TITLE XIV. - On passing to another Institute	53
TITLE XV. - On abandoning Religion	55
TITLE XVI. - The dismissal of religious	57
CHAPTER I. - The dismissal of religious who have made profession of temporary vows	58

CHAPTER II. - The dismissal of religious who have made profession of perpetual vows in a non-exempt clerical Institute or in a lay Institute . . .	59
CHAPTER III. - The judicial process for the dismissal of religious who have made profession of perpetual vows whether solemn or simple in an exempt clerical Institute	61
CHAPTER IV. - Dismissed religious who have made profession of perpetual vows	63
TITLE XVII. - Societies whether of men or women living in community without vows	64
Extracts from canons concerning religious	66



GTU Library



3 2400 00357 1092

DATE DUE

JUN 9 1988

MAR 15 1988

GAYLORD

PRINTED IN U.S.A.

GTU Library

2400 Ridge Road

Berkeley, CA 94709

For renewals call (510) 649-2500

All items on hold...

